

State of Minnesota

County

District Court

Judicial District:

Court File Number:

Case Type:

0:14-cv-03454-JNE-LIB

Civil

Jon Q. Wright

Plaintiff(s)

Answer

vs.

Avalon Apparel  
8691 Somerset Drive  
Largo, FL 33773

Defendant(s)

RECEIVED  
BY MAIL

OCT 06 2014

CLERK, US DISTRICT COURT  
MINNEAPOLIS, MN

The Defendant states the following as his/her Answer to Plaintiff's complaint:

1. See Attached

2.

3.

SCANNED

OCT - 6 2014

U.S. DISTRICT COURT MPLS

The clip art fish in question is one of the first images that pops up on google image searches for "Free Walleye Clip Art". While some images make an effort to display a copyright symbol, or other contact information, there is no such marking on this image.

There was no copyright information on the image. Nor any other information linking it to copyright information for Jon Q. Wright.

I have been in business since 1995 and it is not our practice to steal art from others because we value the artwork that we commission.

After being contacted by counsel for Jon Q. Wright, we immediately did cease and desist use of the image in question, and we provided that information to that counsel. We did not realize that the fish we were using was copyrighted by another party and immediately stopped using it. Even though the copyright documents provided to us did not exactly match the illustration in our work, we immediately stopped using it.

We commissioned a new Walleye to be created and have used that drawing since learning of the copyright on the original work. Again, we told the counsel for Jon Q. Wright that our use of said illustration was unintentional and even provided her with the new drawing we would be using in the future.

We have provided pictures of the "Free Walleye Clip Art" screen shots

Our Total Sales of this illustration in question have been provided for the counsel. These totals are for the sale of the entire shirt with print, not the portion of profit.

We have offered a more than generous settlement to Jon Q. Wright, based on the total sales of the design in question. We feel this settlement was more than generous because the illustration is not identical, the use was unintentional, and we discontinued use of the item in question immediately upon hearing that there was potential copyright issues.

The fish was different in some ways from the use.

Body Shape

Teeth

Fins

The trace outline of that fish took about 5 minutes to draw. We buy books of clip art for \$100-\$200 that are more labor intensive than this drawing.